IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

APPEAL NO.56 OF 2007
IN
ARBITRATION PETITION NO.462 OF 2006

Jagson International Ltd. ..Appellant.
Vs.
Frontier Drilling ASA ..Respondent.

....

Shri Amit Bajpai i/b M/s. Ashwin Ankhad & Associates for the Appellant.
Shri Rohit Kapadia, Senior Advocate with Shri V.K. Ramabhadran for the Respondent.

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CORAM: **R. M. S. KHANDEPARKAR, &**
DR. D.Y. CHANDRACHUD, JJ.

13th February, 2007.

P.C. :

Heard. Admit. By consent heard forthwith.

The learned advocate appearing for the Appellants has submitted that the Appellants have already withdrawn Suit No.8 of 2007 filed in Tis Hazari Court at Delhi.

Considering the facts and circumstances of the case in which the impugned order was passed the learned advocate for the

Respondent has also fairly conceded that the same cannot be justified. In the circumstances, the impugned order to the extent it allows the Petition and grants the same in terms of prayer clause (a) is set aside and the matter is remanded to the Learned Single Judge to reconsider the Petition in accordance with the provisions of law after granting an opportunity to the Appellants to file an affidavit in reply to the original petition as well as the amended petition. It is made clear that we are not interfering in the impugned order to the extent it allows amendment to the prayer clause whereby the Respondent had sought to include the prayer regarding attachment of the property. It is informed that the amendment has been carried out. The Appellant should file affidavit in reply, if any on or before 23rd February, 2007 as a last opportunity. With this direction, the Appeal is disposed of. There shall be no order as to costs.

(R. M. S. KHANDEPARKAR, J.)

(DR. D.Y. CHANDRACHUD, J.)